

Clay  
Conaway  
Cubin  
Diaz-Balart, M.  
Frank (MA)  
Garrett (NJ)  
Gingrey  
Hunter

Jones (OH)  
Keller  
Lungren, Daniel  
E.  
McMorris  
Rodgers  
Miller (NC)  
Pearce

Renzi  
Reyes  
Ryan (OH)  
Slaughter  
Sullivan  
Udall (CO)  
Woolsey

□ 1239

Ms. GRANGER and Messrs. RYAN of Wisconsin, THOMPSON of California, and RAMSTAD changed their vote from “yea” to “nay.”

Mr. WATT changed his vote from “nay” to “yea.”

So the Journal was approved.

The result of the vote was announced as above recorded.

# PROVIDING FOR CONSIDERATION OF H.R. 5351, RENEWABLE ENERGY AND ENERGY CONSERVATION TAX ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1001, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 214, nays 189, not voting 25, as follows:

[Roll No. 80]

YEAS—214

Abercrombie  
Ackerman  
Allen  
Altmire  
Andrews  
Arcuri  
Baca  
Baird  
Baldwin  
Becerra  
Berkley  
Berman  
Berry  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boswell  
Boucher  
Boyd (FL)  
Boyd (KS)  
Brady (PA)  
Braley (IA)  
Brown, Corrine  
Butterfield  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Castor  
Chandler  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Cooper  
Costa  
Costello  
Courtney  
Crowley  
Cuellar  
Cummings  
Davis (AL)  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette

Delahunt  
DeLauro  
Dicks  
Dingell  
Doggett  
Doyle  
Edwards  
Ellison  
Ellsworth  
Emanuel  
Engel  
Eshoo  
Etheridge  
Farr  
Fattah  
Filner  
Frank (MA)  
Giffords  
Gillibrand  
Gonzalez  
Gordon  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hall (NY)  
Hare  
Harman  
Hastings (FL)  
Herseth Sandlin  
Higgins  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hoolley  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Johnson (GA)  
Johnson, E. B.

Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kilpatrick  
Kind  
Klein (FL)  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee  
Levin  
Lewis (GA)  
Lipinski  
Loeb sack  
Lofgren, Zoe  
Lowey  
Mahoney (FL)  
Maloney (NY)  
Markey  
Marshall  
Matheson  
Matsui  
McCarthy (NY)  
McCollum (MN)  
McDermott  
McGovern  
McIntyre  
McNulty  
Meek (FL)  
Meeks (NY)  
Melancon  
Michaud  
Miller, George  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy, Patrick  
Murtha  
Nadler  
Napolitano  
Neal (MA)

Oberstar  
Obey  
Oliver  
Ortiz  
Pallone  
Pascarell  
Pastor  
Payne  
Perlmutter  
Peterson (MN)  
Pomeroy  
Price (NC)  
Rahall  
Rangel  
Richardson  
Rodriguez  
Ross  
Rothman  
Roybal-Allard  
Ruppersberger  
Rush  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta

Sarbanes  
Schakowsky  
Schiff  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Shuler  
Sires  
Skeltton  
Slaughter  
Smith (WA)  
Snyder  
Solis  
Space  
Spratt  
Stark  
Stupak  
Sutton  
Tanner  
Tauscher  
Taylor

NAYS—189

Akin  
Alexander  
Bachmann  
Barrett (SC)  
Barrow  
Bartlett (MD)  
Barton (TX)  
Bean  
Biggert  
Bilirakis  
Granger  
Bishop (UT)  
Blackburn  
Blunt  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boren  
Boustany  
Brady (TX)  
Broun (GA)  
Brown (SC)  
Buchanan  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp (MI)  
Campbell (CA)  
Cannon  
Cantor  
Capito  
Carter  
Castle  
Chabot  
Coble  
Cole (OK)  
Conaway  
Cramer  
Crenshaw  
Culberson  
Davis (KY)  
Davis, David  
Davis, Tom  
Deal (GA)  
Dent  
Diaz-Balart, L.  
Donnelly  
Drake  
Dreier  
Duncan  
Ehlers  
Emerson  
English (PA)  
Everett  
Fallin  
Feeney  
Ferguson  
Flake  
Forbes  
Forrestberry  
Fossella  
Foxx

Franks (AZ)  
Frelinghuysen  
Gallegly  
Gerlach  
Gilchrest  
Gingrey  
Gohmert  
Goode  
Goodlatte  
Granger  
Graves  
Hall (TX)  
Hastings (WA)  
Hayes  
Heller  
Hensarling  
Hill  
Hobson  
Hoekstra  
Hulshof  
Hunter  
Inglis (SC)  
Issa  
Johnson (IL)  
Johnson, Sam  
Jones (NC)  
Jordan  
King (IA)  
King (NY)  
Kingston  
Sessions  
Kirk  
Kline (MN)  
Knollenberg  
Kuhl (NY)  
LaHood  
Lamborn  
Lampson  
Latham  
LaTourette  
Latta  
Lewis (CA)  
Lewis (KY)  
Linder  
LoBiondo  
Lucas  
Mack  
Manzullo  
Marchant  
McCarthy (CA)  
McCauley (TX)  
McCotter  
McCrery  
McHenry  
McHugh  
McKeon  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Moran (KS)  
Murphy, Tim  
Murphy  
Myrick

NOT VOTING—25

Davis, Lincoln  
Diaz-Balart, M.  
Doolittle  
Garrett (NJ)  
Heger  
Jones (OH)  
Keller

Thompson (CA)  
Thompson (MS)  
Tierney  
Towns  
Tsongas  
Udall (NM)  
Van Hollen  
Velázquez  
Visclosky  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch (VT)  
Wexler  
Wilson (OH)  
Wu  
Wynn  
Yarmuth

Renzi  
Reyes  
Rogers (KY)

Royce  
Ryan (OH)  
Udall (CO)

Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1245

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated against:

Mr. ROYCE. Mr. Speaker, on rollcall No. 80, I was unavoidably detained. Had I been present, I would have voted “nay.”

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 220, nays 188, not voting 20, as follows:

[Roll No. 81]

YEAS—220

Abercrombie  
Ackerman  
Allen  
Altmire  
Andrews  
Arcuri  
Baca  
Baird  
Baldwin  
Becerra  
Berkley  
Berman  
Berry  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boswell  
Boucher  
Boyd (FL)  
Boyd (KS)  
Brady (PA)  
Braley (IA)  
Brown, Corrine  
Butterfield  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Castor  
Chandler  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Cooper  
Costa  
Costello  
Courtney  
Crowley  
Cuellar  
Cummings  
Davis (AL)  
Davis (IL)  
Davis, Lincoln  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dicks  
Dingell  
Doggett  
Donnelly

Doyle  
Edwards  
Ellison  
Ellsworth  
Emanuel  
Engel  
Eshoo  
Etheridge  
Farr  
Fattah  
Filner  
Frank (MA)  
Giffords  
Gillibrand  
Gonzalez  
Gordon  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hall (NY)  
Hare  
Harman  
Hastings (FL)  
Herseth Sandlin  
Higgins  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hoolley  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Johnson (GA)  
Johnson, E. B.  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildeer  
Kilpatrick  
Kind  
Klein (FL)  
Kucinich  
Lampson  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee  
Levin

Lewis (GA)  
Lipinski  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lynch  
Mahoney (FL)  
Maloney (NY)  
Markey  
Marshall  
Matheson  
Matsui  
McCarthy (NY)  
McCollum (MN)  
McDermott  
McGovern  
McIntyre  
McNerney  
McNulty  
Meek (FL)  
Meeks (NY)  
Melancon  
Michaud  
Miller, George  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy, Patrick  
Murtha  
Nadler  
Napolitano  
Neal (MA)

Sánchez, Linda T.  
 Sanchez, Loretta  
 Sarbanes  
 Schakowsky  
 Schiff  
 Schwartz  
 Scott (GA)  
 Scott (VA)  
 Serrano  
 Sestak  
 Shea-Porter  
 Sherman  
 Shuler  
 Sires  
 Skelton  
 Slaughter

Smith (WA)  
 Snyder  
 Solis  
 Space  
 Spratt  
 Stark  
 Stupak  
 Sutton  
 Tanner  
 Tauscher  
 Taylor  
 Thompson (CA)  
 Thompson (MS)  
 Towns  
 Tsongas  
 Udall (NM)  
 Van Hollen

Velázquez  
 Visclosky  
 Walz (MN)  
 Wasserman  
 Schultz  
 Waters  
 Watson  
 Watt  
 Waxman  
 Weiner  
 Welch (VT)  
 Wexler  
 Wilson (OH)  
 Wu  
 Wynn  
 Yarmuth

## NAYS—188

Akin  
 Alexander  
 Bachmann  
 Bachus  
 Barrett (SC)  
 Bartlett (MD)  
 Barton (TX)  
 Biggert  
 Bilbray  
 Bilirakis  
 Bishop (UT)  
 Blackburn  
 Blunt  
 Boehner  
 Bonner  
 Bono Mack  
 Boozman  
 Boustany  
 Brady (TX)  
 Broun (GA)  
 Brown (SC)  
 Buchanan  
 Burgess  
 Burton (IN)  
 Buyer  
 Calvert  
 Camp (MI)  
 Campbell (CA)  
 Cannon  
 Cantor  
 Capito  
 Carter  
 Castle  
 Chabot  
 Coble  
 Cole (OK)  
 Conaway  
 Crenshaw  
 Culberson  
 Davis (KY)  
 Davis, David  
 Davis, Tom  
 Deal (GA)  
 Dent  
 Diaz-Balart, L.  
 Doolittle  
 Drake  
 Dreier  
 Duncan  
 Ehlers  
 Emerson  
 English (PA)  
 Everrett  
 Fallon  
 Feeney  
 Ferguson  
 Flake  
 Forbes  
 Fortenberry  
 Fossella  
 Foxx  
 Franks (AZ)  
 Frelinghuysen

## NOT VOTING—20

Aderholt  
 Berry  
 Brown-Waite,  
 Ginny  
 Cubin  
 Davis (CA)  
 Diaz-Balart, M.  
 Garrett (NJ)

Jones (OH)  
 Keller  
 Knollenberg  
 Lungren, Daniel  
 E.  
 McMorris  
 Rodgers  
 Miller (NC)

Radanovich  
 Reyes  
 Ryan (OH)  
 Saxton  
 Tierney  
 Udall (CO)  
 Woolsey

A motion to reconsider was laid on the table.

Stated for:  
 Mrs. DAVIS of California. Mr. Speaker, on rollcall No. 81, I was unavoidable detained. Had I been present, I would have voted "yea."  
 The SPEAKER pro tempore. Pursuant to section 3 of House Resolution 1001, House Resolution 983 is laid on the table.

## RENEWABLE ENERGY AND ENERGY CONSERVATION TAX ACT OF 2008

Mr. RANGEL. Mr. Speaker, pursuant to House Resolution 1001, I call up the bill (H.R. 5351) to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5351

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Renewable Energy and Energy Conservation Tax Act of 2008".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

## TITLE I—PRODUCTION INCENTIVES

Sec. 101. Extension and modification of renewable energy credit.

Sec. 102. Production credit for electricity produced from marine renewables.

Sec. 103. Extension and modification of energy credit.

Sec. 104. New clean renewable energy bonds.

Sec. 105. Extension and modification of special rule to implement FERC and State electric restructuring policy.

Sec. 106. Extension and modification of credit for residential energy efficient property.

## TITLE II—CONSERVATION

## Subtitle A—Transportation

## PART 1—VEHICLES

Sec. 201. Credit for plug-in hybrid vehicles.

Sec. 202. Extension and modification of alternative fuel vehicle refueling property credit.

Sec. 203. Modification of limitation on automobile depreciation.

## PART 2—FUELS

Sec. 211. Extension and modification of credits for biodiesel and renewable diesel.

Sec. 212. Clarification that credits for fuel are designed to provide an incentive for United States production.

Sec. 213. Credit for production of cellulosic alcohol.

## PART 3—OTHER TRANSPORTATION INCENTIVES

Sec. 221. Extension of transportation fringe benefit to bicycle commuters.

Sec. 222. Restructuring of New York Liberty Zone tax credits.

## Subtitle B—Other Conservation Provisions

Sec. 231. Qualified energy conservation bonds.

Sec. 232. Extension and modification of credit for nonbusiness energy property.

Sec. 233. Extension of energy efficient commercial buildings deduction.

Sec. 234. Modifications of energy efficient appliance credit for appliances produced after 2007.

Sec. 235. Five-year applicable recovery period for depreciation of qualified energy management devices.

## TITLE III—REVENUE PROVISIONS

Sec. 301. Limitation of deduction for income attributable to domestic production of oil, gas, or primary products thereof.

Sec. 302. Clarification of determination of foreign oil and gas extraction income.

Sec. 303. Time for payment of corporate estimated taxes.

## TITLE IV—OTHER PROVISIONS

## Subtitle A—Studies

Sec. 401. Carbon audit of the tax code.

Sec. 402. Comprehensive study of biofuels.

Subtitle B—Application of Certain Labor Standards on Projects Financed Under Tax Credit Bonds

Sec. 411. Application of certain labor standards on projects financed under tax credit bonds.

## TITLE I—PRODUCTION INCENTIVES

## SEC. 101. EXTENSION AND MODIFICATION OF RENEWABLE ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—Each of the following provisions of section 45(d) (relating to qualified facilities) is amended by striking "January 1, 2009" and inserting "January 1, 2012":

(1) Paragraph (1).

(2) Clauses (i) and (ii) of paragraph (2)(A).

(3) Clauses (i)(I) and (ii) of paragraph (3)(A).

(4) Paragraph (4).

(5) Paragraph (5).

(6) Paragraph (6).

(7) Paragraph (7).

(8) Subparagraphs (A) and (B) of paragraph (9).

(b) MODIFICATION OF CREDIT PHASEOUT.—

(1) REPEAL OF PHASEOUT.—Subsection (b) of section 45 is amended—

(A) by striking paragraph (1), and

(B) by striking "the 8 cent amount in paragraph (1)," in paragraph (2) thereof.

(2) LIMITATION BASED ON INVESTMENT IN FACILITY.—Subsection (b) of section 45 is amended by inserting before paragraph (2) the following new paragraph:

"(1) LIMITATION BASED ON INVESTMENT IN FACILITY.—

"(A) IN GENERAL.—In the case of any qualified facility originally placed in service after December 31, 2009, the amount of the credit determined under subsection (a) for any taxable year with respect to electricity produced at such facility shall not exceed the product of—

"(i) the applicable percentage with respect to such facility, multiplied by

"(ii) the eligible basis of such facility.

"(B) CARRYFORWARD OF UNUSED LIMITATION AND EXCESS CREDIT.—

"(i) UNUSED LIMITATION.—If the limitation imposed under subparagraph (A) with respect to any facility for any taxable year exceeds the prelimitation credit for such facility for such taxable year, the limitation imposed under subparagraph (A) with respect to such

So the resolution was agreed to.

The result of the vote was announced as above recorded.